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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,426	08/21/2001	Wataru Yamatani	7217/65195	8196

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COOPER & DUNHAM LLP
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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,426

Applicant(s)

YAMATANI, WATARU

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1, 3-7, 9 and 10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kato, U.S. Patent Application Publication No. 2002/0028700 (hereinafter Kato).

Regarding claim 1, Kato discloses a portable telephone terminal (see 10 from Figure 1) having a load portion (see power

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load from paragraph 0005), wherein power consumption varies according to a status of operation of the portable telephone terminal (see 10 from Figure 1), said portable telephone terminal (see 10 from Figure 1) comprising:

- a first power supply circuit (see series regulator 3 from Figure 1);

- a second power supply circuit (see DC/DC converter 4 from Figure 1);

- a determining circuit (see CPU from Figure 1) for determining said status (see transmission permitted? from abstract) of operation of the portable telephone terminal (see 10 from Figure 1); and

- a control circuit (see CPU from Figure 1) for effecting control according to said determined status (see transmission permitted? from abstract) of operation to switch between a first power supply mode (see receiving state from paragraph 0069) wherein said first power supply circuit (see series regulator 3 from Figure 1) supplies power to said load portion (see power load from paragraph 0005) and a second power supply mode (see transmission state from paragraph 0069) where said second power supply circuit (see DC/DC converter 4 from Figure 1) supplies power to said load portion (see power load from paragraph 0005),

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wherein said control circuit stops (see stopped from paragraph 0072) a supply of power from said first power supply circuit (see series regulator 3 from Figure 1) when a specified time (see slight delay from paragraph 0072) as passed after starting (see driving from paragraph 0072) said second power supply circuit (see DC/DC converter 4 from Figure 1).

As per claim 3, see paragraph 0070.

As per claim 4, the receiving state described at paragraph 0045 is functionally equivalent to the claimed wait state. While the transmission state explained in paragraph 0046 is the same as the claimed call state.

Regarding claim 5, see paragraphs 0045 and 0046.

Regarding claim 6, see units 1, 2, 3 and 4 from Figure 1.

Regarding claim 7, Kato discloses a power supply method for a portable telephone terminal, said portable telephone terminal (see 10 from Figure 1) having a first power supply circuit (see series regulator 3 from Figure 1), a second power supply circuit (see DC/DC converter 4 from Figure 1), and a load portion (see power load from paragraph 0005) wherein power consumption varies

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according to status of operation of the portable telephone terminal (see 10 from Figure 1), said power supply method comprising the steps of:

determining said status of operation (see transmission permitted? from abstract); and

switching, according to said determined status of operation, between a first power supply mode (see receiving state from paragraph 0069) wherein said first power supply circuit (see series regulator 3 from Figure 1) supplies power to said load portion (see power load from paragraph 0005) and a second power supply mode (see transmission state from paragraph 0069) wherein said second power supply circuit (see DC/DC converter 4 from Figure 1) supplies power to said load portion (see power load from paragraph 0005),

wherein said switching step includes the steps of:

starting (see driving from paragraph 0072) said second power supply circuit (see DC/DC converter 4 from Figure 1);

counting passage of a specified time after said starting (see driving from paragraph 0072) of said second power supply circuit (see DC/DC converter 4 from Figure 1); and

stopping (see stopped from paragraph 0072) power supply from said first power supply circuit (see series regulator 3

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from Figure 1) after said counting is finished (see slight delay from paragraph 0072).

As per claim 9, see paragraph 0070.

Claim 10 is rejected for the same reasons as claim 4.

Claim 11 is rejected for the same reasons as claim 5.

Response to Arguments

4. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.
Olisa Anwah
Patent Examiner
November 17, 2005

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante